

Assembly Bill No. 2886

CHAPTER 727

An act to amend Sections 25299.36, 25299.37, 25299.39.3, and 25299.51 of the Health and Safety Code, and to amend Sections 13176, 13178, 13397.5, 13399.3 and 60318 of, and to add Article 5 (commencing with Section 13195) to Chapter 3 of Division 7 of, the Water Code, relating to water.

[Approved by Governor September 25, 2000. Filed
with Secretary of State September 27, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2886, Kuehl. Water quality.

(1) Existing law authorizes a California regional water quality control board to undertake or contract for corrective action and to enter into oral contracts, if a situation relating to a petroleum underground storage tank requires prompt action by that board to protect human health or the environment.

This bill would authorize the Department of General Services, at the request of the State Water Resources Control Board (the board) or a regional board, to enter into those contracts on behalf of the board or a regional board and acting as the agent of the board or a regional board. The bill would make additional, related changes.

(2) Existing law authorizes the board to expend the money in the Underground Storage Tank Cleanup Fund for prescribed purposes, including the payment of the costs of the regional board or local agency for corrective action pursuant to specified provisions of law.

This bill would instead authorize the board to expend those funds to pay for the costs of corrective action pursuant to those provisions.

(3) The Porter-Cologne Water Quality Control Act (the act) prescribes water quality requirements to be carried out by the regional boards and the board and requires the analysis of any material required by the act to be performed by a laboratory with a prescribed accreditation. The act prohibits any person or public entity of the state from contracting with a laboratory for environmental analyses for which the department requires registration or accreditation, unless the laboratory holds a valid certificate of registration or accreditation.

This bill would require the analysis of any material required by the act to be performed by a laboratory with specified certification or accreditation and prohibit those entities from contracting with a laboratory for environmental analyses for which the State Department of Health Services requires certification or

accreditation, unless the laboratory holds a valid certification or accreditation.

(4) The act requires the State Water Resources Control Board, in conjunction with the State Department of Health Services and a panel of experts established by the state board, to develop on or before September 30, 2000, source investigation protocols for use in conducting source investigations of storm drains that produce exceedences of bacteriological standards established pursuant to specified provisions of law. Existing law requires the state board to report to the Legislature, on or before March 1, 2001, on the methods by which it intends to conduct source investigations of storm drains that produce exceedences of bacteriological standards.

This bill would extend the date for developing those source investigation protocols to June 30, 2001, and would extend the date for reporting on the methods of conducting source investigations of storm drains to December 1, 2001.

(5) The act provides that a remediating agency, as defined, that has implemented an approved remediation plan shall not be deemed to be responsible for the discharge of abandoned mine waste, as prescribed. Under the act, the term “remediating agency” does not include any person or entity that is not a public agency, that, before implementing an approved remediation plan, had a direct financial interest in, or participated in, specified mining operations.

This bill would modify that provision to exempt any person or entity that is not a public agency, that, before implementing an approved remediation plan, owns or has owned a property interest, other than a security interest, in the abandoned mined lands being remediated, or is or has been legally responsible for, or had a direct financial interest in, or participated in, those specified mining operations. The bill would provide that the provision, as modified, clarifies, and is declaratory of, existing law.

(6) The act, until January 1, 2001, establishes an enforcement scheme with respect to minor violations of the act.

This bill would delete that repeal date, thereby continuing indefinitely that enforcement scheme.

(7) The bill would authorize the board to require a person who is submitting a report relating to a program administered by the board, to the board, a regional board, or a local agency, to submit the report in electronic format, as prescribed. The bill would require the board to adopt emergency regulations implementing an electronic submission program for the submission of reports required pursuant to existing law relating to underground storage tanks, as prescribed. The bill would require the board to prepare and submit to the Legislature a prescribed report and, except as otherwise provided, would prohibit a state agency from requiring before July 1, 2003, the electronic submission of certain reports in an electronic format other than the electronic format prescribed by the bill’s provisions.



(8) The Water Replenishment District Act authorizes an operator of a water-producing facility, under certain circumstances, to make groundwater extractions that are not subject to any replenishment assessment if the board of a water replenishment district determines that there is a groundwater contamination problem. The act authorizes the board to require the submission of certain test results from a board-approved laboratory.

This bill would authorize the board to require the submission of test results from a laboratory holding a valid certification or accreditation.

The people of the State of California do enact as follows:

SECTION 1. Section 25299.36 of the Health and Safety Code is amended to read:

25299.36. The board, a regional board, or a local agency may undertake or contract for corrective action pursuant to subdivision (g) of Section 25299.37 or if a situation exists which requires prompt action by the board, a regional board, or local agency to protect human health or the environment. At the request of the board or a regional board, the Department of General Services may enter into a contract on behalf of the board or a regional board and acting as the agent of the board or a regional board. Notwithstanding any other provision of law, if a situation requires prompt action by the board or a regional board to protect human health or the environment, the board or a regional board may enter into oral contracts for this work, and the contracts, whether written or oral, may include provisions for equipment rental and, in addition, the furnishing of labor and materials necessary to accomplish the work. These contracts for corrective action by the board or a regional board are exempt from approval by the Department of General Services if the situation requires prompt action to protect human health or the environment.

SEC. 1.3. Section 25299.37 of the Health and Safety Code is amended to read:

25299.37. (a) Each owner, operator, or other responsible party shall take corrective action in response to an unauthorized release in compliance with this article and regulations adopted pursuant to Section 25299.77. In adopting regulations pursuant to Section 25299.77, the board shall develop corrective action requirements for health hazards and protection of the environment, based on the severity of the health hazards and the other factors listed in subdivision (b).

(b) Any corrective action conducted pursuant to this chapter shall ensure protection of human health, safety, and the environment. The corrective action shall be consistent with any applicable waste discharge requirements or other order issued pursuant to Division 7 (commencing with Section 13000) of the Water Code, all applicable state policies for water quality control adopted pursuant to Article 3



(commencing with Section 13140) of Chapter 3 of Division 7 of the Water Code, and all applicable water quality control plans adopted pursuant to Section 13170 of the Water Code and Article 3 (commencing with Section 13240) of Chapter 4 of Division 7 of the Water Code.

(c) (1) When a local agency, the board, or a regional board requires an owner, operator, or other responsible party to undertake corrective action, including preliminary site assessment and investigation, pursuant to an oral or written order, direction, notification, or approval issued pursuant to this section, or pursuant to a cleanup and abatement order or other oral or written directive issued pursuant to Division 7 (commencing with Section 13000) of the Water Code, the owner, operator, or other responsible party shall prepare a work plan that details the corrective action the owner, operator, or other responsible party shall take to comply with the requirements of subdivisions (a) and (b) and the corrective action regulations adopted pursuant to Section 25299.77.

(2) The work plan required by paragraph (1) shall be prepared in accordance with the regulations adopted pursuant to Section 25299.77. The work plan shall include a schedule and timeline for corrective action.

(3) At the request of the owner, operator, or other responsible party, the local agency, the board, or the regional board shall review a work plan prepared pursuant to paragraph (1) and either accept the work plan, if it meets the requirements of this section, or disapprove the work plan if it does not meet those requirements. If the local agency, board, or the regional board accepts the work plan, it shall indicate to the owner, operator, or other responsible party, the actions or other elements of the work plan that are, in all likelihood, adequate and necessary to meet the requirements of this section, and the actions and elements that may be unnecessary. If the local agency, board, or regional board disapproves the work plan, it shall state the reasons for the disapproval.

(4) In the interests of minimizing environmental contamination and promoting prompt cleanup, the responsible party may begin implementation of the proposed actions after the work plan has been submitted but before the work plan has received regulatory agency acceptance, except that implementation of the work plan may not begin until 60 calendar days from the date of submittal, unless the responsible party is otherwise directed in writing by the regulatory agency. However, before beginning implementation pursuant to this paragraph, the responsible party shall notify the regulatory agency of the intent to initiate proposed actions set forth in the submitted work plan.

(5) The owner, operator, or other responsible party shall conduct corrective actions in accordance with the work plan approved pursuant to the section.

(6) (A) The local agency, the board, or the regional board shall advise and work with the owner, operator, or other responsible party on the opportunity to seek preapproval of corrective action costs pursuant to Section 2811.4 of Title 23 of the California Code of Regulations or any successor regulation. Regional board staff and local agency staff shall work with the responsible party and fund staff to obtain preapproval for the responsible party. The fund staff shall grant or deny a request for preapproval within 30 calendar days after the date a request is received. If fund staff denies a request for preapproval or fails to act within 30 calendar days after receiving the request, an owner, operator, or other responsible party who has prepared a work plan that has been reviewed and accepted pursuant to paragraph (3), and is denied preapproval of corrective action costs for one or more of the actions required by the work plan, may petition the board for review of the request for preapproval. The board shall review the petition pursuant to Section 25299.56, and for that purpose the petition for review of a request for preapproval of corrective action costs shall be reviewed by the board in the same manner as a petition for review of an unpaid claim.

(B) If the board receives a petition for review pursuant to subparagraph (A), the board shall review the request for preapproval and grant or deny the request pursuant to this subparagraph and subparagraph (C). The board shall deny the request for preapproval if the board makes one of the following findings:

(i) The petitioner is not eligible to file a claim pursuant to Article 6 (commencing with Section 25299.50).

(ii) The petitioner failed to submit one or more of the documents required by the regulations adopted by the board governing preapproval.

(iii) The petitioner failed to obtain three bids or estimates for corrective action costs and, under the circumstances pertaining to the corrective action, there is no valid reason to waive the three-bid requirement pursuant to the regulations adopted by the board.

(C) If the board does not deny the request for preapproval pursuant to subparagraph (B), the board shall grant the request for preapproval. However, the board may modify the request by denying preapproval of corrective action costs or reducing the preapproved amount of those costs for any action required by the work plan, if the board finds that the fund staff has demonstrated either of the following:

(i) The amount of corrective action reimbursement requested for the action is not reasonable. In determining if the fund staff has demonstrated that the amount of reimbursement requested for an action is not reasonable, the board shall use, when available, recent experience with bids or estimates for similar actions.

(ii) The action required in the work plan is, in all likelihood, not necessary for the corrective action to comply with the requirements of subdivisions (a) and (b) and the corrective action regulations adopted pursuant to Section 25299.77.

(7) When the local agency, the board, or the regional board requires a responsible party to conduct corrective action pursuant to this article, it shall inform the responsible party of its right to request the designation of an administering agency to oversee the site investigation and remedial action at its site pursuant to Section 25262 and, if requested to do so by the responsible party, the local agency shall provide assistance to the responsible party in preparing and processing a request for that designation.

(d) Notwithstanding Section 25297.1, the board shall implement a procedure that does not assess an owner, operator, or responsible party taking corrective action pursuant to this chapter for the costs of a local oversight program pursuant to paragraph (4) of subdivision (d) of Section 25297.1. The board shall institute an internal procedure for assessing, reviewing, and paying those costs directly between the board and the local agency. At least 15 days before the board proposes to disapprove a claim for corrective action costs which have been incurred on the grounds that the costs were unreasonable or unnecessary, the board shall issue a notice advising the claimant and the lead agency of the proposed disallowance, to allow review and comment.

(e) A person to whom an order is issued pursuant to subdivision (c), shall have the same rights of administrative and judicial appeal and review as are provided by law for cleanup and abatement orders issued pursuant to Section 13304 of the Water Code.

(f) Until the board adopts regulations pursuant to Section 25299.77, the owner, operator, or other responsible party shall take corrective action in accordance with Chapter 6.7 (commencing with Section 25280) and the federal act.

(g) If a person to whom an order is issued pursuant to subdivision (c) does not comply with the order, the board, a regional board, or the local agency may undertake or contract for corrective action and recover costs pursuant to Section 25299.70.

(h) The following uniform closure letter shall be issued to the owner, operator or other responsible party taking corrective action at an underground storage tank site by the local agency or the regional board with jurisdiction over the site, or the board, upon a finding that the underground storage tank site is in compliance with the requirements of subdivisions (a) and (b) and with any corrective action regulations adopted pursuant to Section 25299.77 and that no further corrective action is required at the site:



“[Case File Number]

Dear [Responsible Party] :

This letter confirms the completion of a site investigation and corrective action for the underground storage tank(s) formerly located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground storage tank(s) are greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground storage tank(s) site is in compliance with the requirements of subdivisions (a) and (b) of Section 25299.37 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.77 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required.

This notice is issued pursuant to subdivision (h) of Section 25299.37 of the Health and Safety Code.

Please contact our office if you have any questions regarding this matter.

Sincerely,

[Name of Board Executive Director, Regional Board Executive Officer, or Local Agency Director]”

SEC. 1.5. Section 25299.39.3 of the Health and Safety Code is amended to read:

25299.39.3. The board, a regional board, or local agency shall be permitted reasonable access to property owned or possessed by an owner, operator, or responsible party as necessary to perform corrective action pursuant to Sections 25299.36 and 25299.37. The access shall be obtained with the consent of the owner or possessor of the property or, if the consent is withheld, with a warrant duly



issued pursuant to the procedure described in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting public health or safety, or the environment, the board, a regional board, or local agency may enter the property without consent or the issuance of a warrant.

SEC. 1.7. Section 25299.51 of the Health and Safety Code is amended to read:

25299.51. The board may expend the money in the fund for all the following purposes:

(a) In addition to the purposes specified in subdivisions (c), (d), and (e), for expenditure by the board for the costs of implementing this chapter, which shall include costs incurred by the board pursuant to Article 8.5 (commencing with Section 25299.80.1).

(b) To pay for the administrative costs of the State Board of Equalization in collecting the fee imposed by Article 5 (commencing with Section 25299.40).

(c) To pay for the reasonable and necessary costs of corrective action pursuant to Section 25299.36, up to one million five hundred thousand dollars (\$1,500,000) per occurrence. The Legislature may appropriate the money in the fund for expenditure by the board, without regard to fiscal year, for prompt action in response to any unauthorized release.

(d) To pay for the costs of an agreement for the abatement of, and oversight of the abatement of, an unauthorized release of hazardous substances from underground storage tanks, by a local agency, as authorized by Section 25297.1 or by any other provision of law, except that, for the purpose of expenditure of these funds, only underground storage tanks, as defined in Section 25299.24, shall be the subject of the agreement.

(e) To pay for the costs of cleanup and oversight of unauthorized releases at abandoned tank sites. The board shall not expend more than 25 percent of the total amount of money collected and deposited in the fund annually for the purposes of this subdivision and subdivision (h).

(f) To pay claims pursuant to Section 25299.57.

(g) To pay, upon order of the Controller, for refunds pursuant to Part 26 (commencing with Section 50101) of Division 2 of the Revenue and Taxation Code.

(h) To pay for the reasonable and necessary costs of corrective action pursuant to subdivision (g) of Section 25299.37.

(i) To pay claims pursuant to Section 25299.58.

SEC. 2. Section 13176 of the Water Code is amended to read:

13176. (a) The analysis of any material required by this division shall be performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code.

(b) No person or public entity of the state shall contract with a laboratory for environmental analyses for which the State Department of Health Services requires accreditation or certification pursuant to this chapter, unless the laboratory holds a valid certification or accreditation.

SEC. 3. Section 13178 of the Water Code is amended to read:

13178. (a) (1) On or before June 30, 2001, the state board, in conjunction with the State Department of Health Services and a panel of experts established by the state board, shall develop source investigation protocols for use in conducting source investigations of storm drains that produce exceedences of bacteriological standards established pursuant to subdivision (c) of Section 115880 of the Health and Safety Code. The protocols shall be based upon the experiences drawn from previous source investigations performed by the state board, regional boards, or other agencies, and other available data. The protocols shall include methods for identifying the location and biological origins of sources of bacteriological contamination, and, at a minimum, shall require source investigations if bacteriological standards are exceeded in any three weeks of a four-week period, or, for areas where testing is done more than once a week, 75 percent of testing days that produce an exceedence of those standards.

(2) The development of source investigation protocols pursuant to paragraph (1) is not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) On or before December 1, 2001, the state board, in conjunction with the State Department of Health Services, shall report to the Legislature on the methods by which it intends to conduct source investigations of storm drains that produce exceedences of bacteriological standards established pursuant to subdivision (c) of Section 115880 of the Health and Safety Code. Factors to be addressed in the report shall include the approximate number of public beaches expected to be affected by the exceedence of bacteriological standards established pursuant to subdivision (c) of Section 115880 of the Health and Safety Code, as well as the costs expected for source investigation of the storm drains affecting those public beaches. The report shall include a timeline for completion of source investigations.

SEC. 4. Article 5 (commencing with Section 13195) is added to Chapter 3 of Division 7 of the Water Code, to read:

Article 5. Electronic Submission of Reports

13195. For purposes of this article, the following terms have the following meanings:

(a) “Public domain” means a format that may be duplicated, distributed, and used without payment of a royalty or license fee.

(b) “Report” means any document or item that is required for submission in order for a person to comply with a regulation, directive, or order issued by the state board, a regional board, or a local agency pursuant to a program administered by the state board, including, but not limited to, any analysis of material by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code.

13196. (a) The state board may require a person submitting a report to the state board, a regional board, or a local agency to submit the report in electronic format. The state board may also require that any report submitted in electronic format include the latitude and longitude, accurate to within one meter, of the location where any sample analyzed in the report was collected.

(b) The state board shall adopt a single, standard format for the electronic submission of analytical and environmental compliance data contained in reports. In adopting a standard format, the state board shall only consider formats that meet all of the following criteria:

- (1) Are available free of charge.
- (2) Are available in the public domain.
- (3) Have available public domain means to import, manipulate, and store data.
- (4) Allow the importation of data into tables indicating relational distances.
- (5) Allow the verification of data submission consistency.
- (6) Allow for inclusion of all of the following information:
 - (A) The physical site address from which the sample was taken, along with any information already required for permitting and reporting unauthorized releases.
 - (B) Environmental assessment data taken during the initial site investigation phase, as well as the continuing monitoring and evaluation phases.
 - (C) The latitude and longitude, accurate to within one meter, of the location where any sample was collected.
 - (D) A description of all tests performed on the sample, the results of that testing, any quality assurance and quality control information, any available narrative information regarding the collection of the sample, and any available information concerning the laboratory’s analysis of the sample.

(7) Fulfill any additional criteria the state board determines appropriate for an effective electronic report submission program.

13197.5. (a) The state board shall adopt, not later than March 1, 2001, emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of

the Government Code implementing a statewide program for the electronic submission of reports required pursuant to Chapter 6.7 (commencing with Section 25280) of Division 20 of the Health and Safety Code and Article 4 (commencing with Section 25299.36) of Chapter 6.75 of Division 20 of the Health and Safety Code, for those reports that contain soil or water chemistry analysis by a laboratory certified or accredited pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code.

(b) (1) The adoption of any regulations pursuant to this section that are filed with the Office of Administrative Law on or before March 1, 2001, shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, and general welfare.

(2) (A) Except as specified in subparagraph (B), subdivisions (e) to (h), inclusive, of Section 11346.1 of the Government Code apply to any emergency regulations adopted pursuant to this section.

(B) Notwithstanding the 120-day period imposed in subdivision (e) of Section 11346.1 of the Government Code, the state board shall have one calendar year from the effective date of any emergency regulations adopted pursuant to this section to comply with that subdivision.

(c) Regulations adopted pursuant to this section may not require the electronic submission of reports before July 1, 2001, but may require the electronic submission of reports on or after July 1, 2001.

(d) Regulations adopted pursuant to this section may specify either of the following as the required reporting format:

(1) The Geographic Environmental Information Management System format as described in the report submitted to the state board on July 1, 1999, by the Lawrence Livermore National Laboratory, entitled, "Evaluating the Feasibility of a Statewide Geographic Information System."

(2) The Electronic Deliverable Format (EDF) developed by the United States Army Corps of Engineers, as the same may be revised from time to time. The specification of the EDF as the reporting format shall be deemed to satisfy the requirements of subdivision (b) of Section 13196.

13198. (a) On or before January 1, 2003, based upon an evaluation of the statewide underground storage tank electronic report submission project conducted pursuant to Section 13197.5, the state board shall report to the Legislature and the Governor on the feasibility and appropriateness of extending the electronic report submission project to all state board programs.

(b) Before July 1, 2003, no state agency may require the electronic submission of any soil or water chemistry analysis by a laboratory certified or accredited pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health

and Safety Code in an electronic format other than the electronic format specified by the state board pursuant to this article.

(c) Notwithstanding any other provision of this article, the state board may require the electronic submission of reports for programs, other than programs described in subdivision (a) of Section 13197.5, in a format approved by the state board.

SEC. 5. Section 13397.5 of the Water Code is amended to read:

13397.5. Unless the context requires otherwise, the following definitions govern the construction of this chapter:

(a) “Abandoned mine waste” means the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property on, or discharging from, abandoned mined lands, directly resulting from, or displaced by, surface mining operations.

(b) “Abandoned mined lands” has the same meaning as “abandoned surface mined area,” as defined in clause (ii) of subparagraph (A) of paragraph (2) of subdivision (b) of Section 2796 of the Public Resources Code.

(c) “Acid rock drainage” means acid waste discharge that results from the oxidation of metal sulfide in minerals associated with mined lands.

(d) “Mined lands” has the same meaning as set forth in Section 2729 of the Public Resources Code.

(e) “Oversight agency” means either the state board or a regional board. If the remediating agency is a regional board, the state board shall be the oversight agency. If the remediating agency is the state board, the oversight agency shall be the Site Designation Committee established pursuant to Section 25261 of the Health and Safety Code. The committee shall have the powers and functions specified in Chapter 6.65 (commencing with Section 25260) of Division 20 of the Health and Safety Code, except that neither the chairperson of the state board, nor any designee, shall participate in the actions of the committee relating to the state board as a remediating agency.

(f) “Remediating agency” or “agency” means any public agency, or any private individual or entity acting under a cooperative agreement with a public agency, that prepares and submits a remediation plan in accordance with this chapter. “Remediating agency” includes, but is not limited to, a public agency that holds title to abandoned mined lands for the purpose of remediating those lands or that is engaging in remediation activities that are incidental to the ownership of the lands for other than mining purposes. “Remediating agency” does not include any person or entity that is not a public agency, that, before implementing an approved remediation plan, owns or has owned a property interest, other than a security interest, in the abandoned mined lands being remediated, or is or has been legally responsible for, or had a direct financial interest in, or



participated in, any mining operation, including exploration, associated with the abandoned mined lands being remediated.

(g) “Remediation plan” means a plan to improve the quality of the waters of the state that have been directly and adversely impacted by abandoned mine waste.

SEC. 6. Section 13399.3 of the Water Code is amended to read:

13399.3. On or before January 1, 2000, the state board shall report to the Legislature on actions taken by the state board and the regional boards to implement this chapter and the results of that implementation. Each regional board shall provide the state board with the information that the state board requests to determine the degree to which the purposes described in subdivision (a) of Section 13399 have been achieved.

SEC. 7. Section 60318 of the Water Code is amended to read:

60318. (a) If the board determines, by resolution, that there is a problem of groundwater contamination that a proposed program will remedy or ameliorate, an operator may make extractions of groundwater to remedy or ameliorate that problem exempt from any replenishment assessment if the water is not applied to beneficial surface use, its extractions are made in compliance with all the terms and conditions of the board resolution, and the board has determined in the resolution either of the following:

(1) The groundwater to be extracted is unusable and cannot be economically blended for use with other water.

(2) The proposed program involves extraction of usable water in the same quantity as will be returned to the underground without degradation of quality.

(b) The resolution may provide those terms and conditions the board deems appropriate, including, but not limited to, restrictions on the quantity of extractions to be so exempted, limitations on time, periodic reviews, requirement of submission of test results from a laboratory holding a valid certification or accreditation as required by Section 13176, and any other relevant terms or conditions. Upon written notice to the operator involved, the board may rescind or modify its resolution. The rescission or modification of the resolution shall apply to groundwater extractions occurring more than 10 days after the rescission or modification. Notice of rescission or modification shall be either mailed first-class mail, postage prepaid, at least two weeks prior to the meeting of the board at which the rescission or modification will be made to the address of record of the operator or personally delivered two weeks prior to the meeting. All board determinations shall be final.

SEC. 8. Subdivision (f) of Section 13397.5 of the Water Code, as amended by Section 4 of this act, clarifies, and is declaratory of, existing law.

